

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
AMENDED INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Section 27.80  
Title 14, California Code of Regulations  
Re: Ocean Salmon Sport Fishing

- I. Date of Initial Statement of Reasons: December 20, 2007
- II. Date of Amended Initial Statement of Reasons: March 19, 2008
- III. Dates and Locations of Scheduled Hearings:
  - (a) Notice Hearing: Date: February 8, 2008  
Location: San Diego, CA
  - (b) Discussion Hearing: Date: March 7, 2008  
Location: Stockton, CA
  - (c) Discussion Hearing: Date: April 11, 2008  
Location: Bodega Bay, CA
  - (d) Adoption Hearing: Date: April 15, 2008  
Location: Teleconference
- IV. Description of Regulatory Action:
  - (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

The Pacific Fishery Management Council (PFMC) annually reviews the status of west coast salmon populations. As part of that process, it recommends ocean salmon fisheries regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Salmon Fishery Management Plan (FMP). These recommendations coordinate west coast management of sport and commercial ocean salmon fisheries in the Federal fishery management zone (3 to 200 miles offshore) off the coasts of Washington, Oregon, and California. These recommendations are subsequently implemented as ocean fishing regulations by the National Marine Fisheries Service (NMFS).

California's sport fishing regulations will need to conform to the new

Federal regulations to achieve optimum yield in California. The Fish and Game Commission (Commission) adopts regulations for the ocean salmon sport fishery in State waters (zero to three miles offshore) which are consistent with Federal fishery management goals and are effective at the same time.

**The text in bold below replaces the text from original Initial Statement of Reasons (ISOR) and Informative Digest and provides a summary of a PFMC inseason action and the three options developed for public review at the PFMC meeting in Sacramento on March 9-14, 2008.**

**The PFMC has determined that Sacramento River Fall Chinook (SRFC) merits further protection in 2008 as the stocks are projected to be at a record low abundance level in 2008. The PFMC Salmon Technical Team (STT) updated the estimate of SRFC Chinook escapement based upon new information. The revised projection lowers the 2008 SRFC abundance forecast to 54,570 SRFC adults. This new estimate assumes no further fishing in 2008 and is much lower than the FMP conservation goal of 122,000 to 180,000 SRFC adult escapements.**

**The NMFS has determined that poor ocean conditions are a major factor of the low 2008 SRFC abundance. The NMFS also expects these poor conditions to continue affecting subsequent years' SRFC escapements in the near future.**

**With this new information, the PFMC voted to recommend closure of all ocean salmon fisheries until the final 2008 federal regulations are enacted on May 1, 2008 to provided maximum protection for SRFC. This early season closure is a separate Commission emergency action already underway.**

**On March 14, 2008, the PFMC developed three 2008 season structures for public review to severely reduce or eliminate fishery impacts on SRFC. The PFMC options allow for a very limited 2008 season, a 2008 season with no fishing after April 30, 2008 with 2009 early season opening dates, and a season with no fishing after March 31, 2008 and no 2009 opening dates. The final PFMC regulation recommendations will be made on April 11, 2008 in Seattle, Washington.**

**Under all three options, the reference to Section 1.74 in subsection 27.80(a)(1) is proposed to be removed as salmon report cards are no**

longer required in ocean waters north of Horse Mountain and additional minor changes are proposed for regulation clarity. The specific differences from current regulations are discussed in the following paragraphs.

#### Option I

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season is open May 24 through May 26, 2008, July 4 through July 6, 2008, and August 28 through August 31, 2008 (113 fewer days than in 2007). The area between Horse Mountain and Point Arena (Fort Bragg) is open February 16 to March 31 (or as soon thereafter as the emergency regulations are approved), May 24 through May 26, 2008, July 4 through July 6, 2008, and August 28 through August 31, 2008 and will open in 2009 on February 14, 2009 (213 fewer days than in 2007). The area between Point Arena and Pigeon Point (San Francisco, Monterey, and Moss Landing) is open May 18 through May 26, 2008 and will open in 2009 on April 4, 2009 (209 fewer days than in 2007). The area south of Pigeon Point (Monterey and Moss Landing) is open May 18 through May 26, 2008 and will open in 2009 on April 4, 2009 (175 fewer days than in 2007).

#### Option II

**Seasons:** For north of Horse Mountain and Humboldt Bay (Klamath Management Zone), the season will be closed for all of 2008 (123 fewer days than in 2007). The area between Horse Mountain and Point Arena (Fort Bragg) is open February 16 to March 31 (or as soon thereafter as the emergency regulations are approved) and will open in 2009 on February 14, 2009 (223 fewer days than in 2007). The area between Point Arena and Pigeon Point (San Francisco, Monterey, and Moss Landing) is closed for all of 2008 and will open in 2009 on April 4, 2009 (219 fewer days than in 2007). The area south of Pigeon Point (Monterey and Moss Landing) is closed for all of 2008 and will open in 2009 on April 4, 2009 (184 fewer days than in 2007).

#### Option III

This option is the same as Option III except there are no 2009 early season openers proposed. Any 2009 openers will be decided in April 2009 by the PFMC and Commission.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 220, 240, 316.5 and 2084, Fish and

Game Code.

Reference: Sections 200, 202, 205, 316.5 and 2084, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

Pacific Fishery Management Council. 2003. *The Fishery Management Plan for the Commercial and Recreational Salmon Fisheries Off the Coasts of Washington, Oregon, and California as Revised Through Amendment 14*. **Pacific Fishery Management Council**. 7700 NE Ambassador Place, Suite 200, Portland, Oregon 97220.

**Pacific Fishery Management Council. 2008. *Review of 2007 Ocean Salmon Fisheries*. Pacific Fishery Management Council. 7700 NE Ambassador Place, Suite 200, Portland, Oregon 97220.**

**Pacific Fishery Management Council. 2008. *Preseason Report I: Stock Abundance Analysis for 2008 Ocean Salmon Fisheries*. Pacific Fishery Management Council. 7700 NE Ambassador Place, Suite 200, Portland, Oregon 97220.**

- (e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public meetings are being held prior to the notice publication. The PFMC will hold a series of public hearings to receive input prior to finalizing the recreational ocean salmon recommendations in April.

V. Description of Reasonable Alternatives to Regulatory Action:

- (a) Alternatives to Regulation Change:

The PFMC **examined** various alternatives in the process of adopting the management options on March 14, 2008 for public review. These **included** such alternatives as:

1. the minimum size of salmon that may be retained;
2. the number of rods anglers may use (e.g., one, two, or unlimited);

3. the type of bait and/or terminal gear that may be used (e.g., amount of weight, hook type, and type of bait or no bait);
4. the number of salmon that may be retained per angler-day or period of days;
5. the definition of catch limits to allow for combined boat limits versus individual angler limits;
6. the allowable fishing dates and areas; and
7. the overall number of salmon that may be harvested, by species and area.

(b) No Change Alternative:

Upon approval of the PFMC's recommendations by the NMFS, the State must move in a timely manner to conform its ocean sport fishing regulations for salmon in State waters (zero to three miles offshore) to the Federal regulations in order for the new state and federal regulations to become effective at the same time. Otherwise, preemption of State regulatory authority by the NMFS could occur if State regulations are in conflict with Federal regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed, or would be as effective and less burdensome to affected private persons than the proposed regulation.

VI. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment. Therefore, no mitigation is necessary.

VII. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with

#### Businesses in Other States:

The proposed action may have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Under a normal season ocean salmon anglers contribute about \$110,400,000 in direct revenues to the State's business sector. This is based on a 2006 US Fish and Wildlife national survey of fishing, hunting, and wildlife associated recreation for California. Adding the indirect and induced effects of this initial revenue contribution and the total benefit to California's economy is normally about \$167,000,000. This is equivalent to about \$63,000,000 in total wage earnings to Californians, or about 1,400 jobs in the state. Depending on which option the PFMC adopts and implements in May 2008, the following statewide impacts to businesses may occur.

#### Option I

In general, Option I would result in an 89.5 percent reduction in the available days of ocean salmon fishing compared to a normal fishing season. Using national data on recreational angler expenditures on goods and services, we estimate the direct loss to the business community of about \$98,900,000. Because of the indirect and induced affects of this loss, California's total economic output is estimated to be reduced \$149,500,000. Adverse impacts to total wage earnings and California jobs would be about \$56,100,000 and 1,252, respectively.

#### Option II and III

Option II and III would result in a 94.3 percent reduction in the available angling days for ocean salmon. Using national data on recreational angler expenditures on goods and services, the direct loss to the business community is estimated to be about \$104,200,000. Adverse impacts to total wage earnings and California jobs would be about \$157,500,000 and 1,319, respectively.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

#### Option I

In general, Option I would result in an 89.5 percent reduction in the available days of ocean salmon fishing under a normal season. On a pro-rata basis, reducing the estimated business output for the State by this same percentage could result in a reduction of 1252 jobs.

**Option II and III**

**Option II would result in a 94.3 percent reduction in the available angling days for ocean salmon under a normal season. On a pro-rata basis, reducing the estimated business output for the State by this same percentage could result in a reduction of 1319 jobs.**

- (c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. **There are no new reporting requirements imposed as a result of the proposed regulations.**

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

**There are no new reporting requirements to State agencies as a result of the proposed regulations. However, reduced recreational fishing opportunities would likely result in revenue impacts to the State, estimated to be up to \$2,993,165. This is due to reduced demand for recreational fishing licenses, permits, and or stamps, normally purchased from the State and increased enforcement for the 2008 ocean salmon season.**

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

## Informative Digest (Policy Statement Overview)

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**The NMFS has determined that poor ocean conditions are a major factor of the low 2008 SRFC abundance. The NMFS also expects these poor conditions to continue affecting subsequent years' SRFC escapements in the near future. Also the 2008 SRFC adult abundance is expected to be well below the lower boundary of the FMP conservation goal of 122,000 to 180,000 SRFC adult escapement.**

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